

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

**No. 14-cv-0957 RB/SMV
12-cr-2903 RB**

CHRISTOPHER A. APALATEGUI,

Defendant/Petitioner.

ORDER

THIS MATTER is before the Court, sua sponte under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant/Petitioner (hereinafter “Petitioner”) Christopher Apalategui’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence [CV Doc. 1; CR Doc. 44] and Motions for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [CV Docs. 2 and 4; CR Docs. 45 and 47].

It appears from the record that Petitioner has previously been found indigent. [CR Doc. 12]. The motions to proceed *in forma pauperis* under § 1915 is therefore moot. Accordingly, the Court will deny the motions as moot.

The Court will direct the United States to answer Petitioner’s motion.

IT IS THEREFORE ORDERED that Petitioner’s Motions for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [CV Docs. 2 and 4; CR Docs. 45 and 47] is **DENIED** as moot.

IT IS FURTHER ORDERED that the Clerk is directed to forward to the United States of America a copy of Petitioner’s motion to vacate, set aside, or correct sentence and supporting papers and exhibits, if any, together with a copy of this Order.

IT IS FURTHER ORDERED that, within **23 days** of entry of this order, the United States answer Petitioner's motion to vacate, set aside, or correct sentence.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge